

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 29189 of 2006(Y)

PETITIONER:

**GOKULAN. P., BINDER GRADE I,
GOVERNMENT PRESS, WAYANAD.**

BY ADV. SRI.P.RAVINDRAN.

RESPONDENTS:

- 1. THE DIRECTOR, DIRECTOR OF PRINTING,
GOVERNMENT CENTRAL PRESS,
THIRUVANANTHAPURAM.**
- 2. STATE OF KERALA, REP. BY ITS
SECRETARY, HIGHER EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. P. NANDAKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.29189/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE REQUEST SUBMITTED BY THE PETITIONER DTD. 25/09/2003.

EXT.P.2: COPY OF THE COMMUNICATION DTD. 01/06/2006.

EXT.P.3: COPY OF THE CIRCULAR DTD. 16/05/2006.

EXT.P.4: COPY OF THE MINUTE OF THE MEETING DTD. 09/06/2005.

EXT.P.5: COPY OF THE ORDER DTD. 01/08/2006.

EXT.P.6: COPY OF THE JUDGMENT IN W.P.(C).NO. 20618/06 DTD. 10/08/06.

EXT.P.7: COPY OF THE ORDER DTD. 15/09/2006.

EXT.P.8: COPY OF THE ORDER DTD. 26/09/2006.

EXT.P.9: COPY OF THE ORDER DTD. 19/09/2006.

EXT.P.10: COPY OF THE ORDER DTD. 13/07/2006.

EXT.P.11: COPY OF THE ORDER DTD. 19/05/2006.

EXT.P.12: COPY OF THE COMMUNICATION DTD. 20/10/2006.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.29189 of 2006

Dated this the 30th day of May, 2007

J U D G M E N T

The petitioner is a Binder Grade-I working in the Government Press, Wayanad. He is a native of Kozhikode and so he is desirous of getting a posting in the Government Press at Kozhikode. His representation for the same was considered, on the direction of this Court and Ext.P12 order was passed. He was not given posting to Kozhikode. So, this writ petition is filed, challenging Ext.P12 and seeking consequential reliefs. The petitioner submits that many vacancies arose in Kozhikode and those vacancies are filled by transferring persons from Shornur. His claim for transfer to Kozhikode was rejected earlier, on the ground of want of vacancy. In view of the transfer given to several persons from Shornur, the above contention of the respondents may not be correct. Ext.P12 has been passed without dealing with his claim for posting at Kozhikode. The petitioner points out that saying something about the discontinuance of other duty posting, his representation was closed, as if he was claiming for such posting. In fact, the petitioner wanted a posting at Kozhikode. So, without dealing with the main prayer in his representation, it was

rejected. So, the petitioner prays for quashing Ext.P12 and also for consequential reliefs.

2. The respondents have filed a counter affidavit in which it is submitted that the surplus hands have been posted from Shornur to Kozhikode in exigencies of service. It is also pointed out that a new press has been established recently at Wayanad. Several work orders have been received in the said press. So, it is not possible to transfer the petitioner now, as finding a substitute for him is very difficult.

3. Heard the learned counsel on both sides. Of course, in exigencies of service the petitioner can be retained at Wayanad for any number of years. But, the submission of the respondents that no one is willing to be posted at Wayanad cannot be accepted. On that ground, it is unfair to retain the petitioner indefinitely. If the respondents have a case that the petitioner alone is having the skill to do the work now entrusted to him at Wayanad press, then it may be a different thing. But, the respondents do not have any such case. They did not plead that it is not possible to find a substitute for the petitioner having the same level of skill. In view of the above position, I feel that without sacrificing the functioning of the government press, if the petitioner could be transferred to Kozhikode and a substitute could be posted at Wayanad, he may be considered for transfer,

provided there are vacancies.

Accordingly, the Writ Petition is disposed of directing the first respondent to re-consider the claim of the petitioner to transfer him to Kozhikode, in the light of the observations made herein-above.

K.BALAKRISHNAN NAIR, JUDGE.

MS